

### REMARKS

This reply is in response to the Office Action of November 12, 2008. Claims 1 – 23 have been withdrawn in accordance with the reply to the restriction requirement of March 11, 2008. No claims have been amended or added. As such, claims 24 - 30 are pending in the application.

#### Double Patenting Rejection

Claim 24 has been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 7 and 10 of Application No. 10/463,206 in view of US Patent No. 6,593,587. This rejection is respectfully traversed.

A review of the Public Pair System at the US Patent Office indicates that Application No. 10/463,206 was abandoned for failure to respond to an Office Action of July 25, 2008, as noted in the Notice of Abandonment mailed by the US Patent Office on February 2, 2009.

In light of the foregoing, it is respectfully requested that the double patenting rejection be reconsidered and withdrawn.

#### Claim Rejection – 35 USC §102

Claims 24-30 have been rejected under 35 USC §102(b) as being anticipated by US Patent Application Publication No. US 2001/0028025 A1 to Pease (hereinafter, the Pease reference). This rejection is respectfully traversed.

Claim 24 recites, among other features, “a power tool control system coupled with the fence, . . . the power tool control system further comprising: a base for coupling with the fence; a non-contact measurement and alignment device coupled with the base.” The Office asserts, on page 5 of the Office Action that the Pease reference discloses a fence (element 609) and a power tool control system (element 10) coupled with the fence. However, Figure 6 of the Pease reference clearly illustrates that the portable measurement device 10 is **not** coupled to the fence 609. The portable measurement device 10 does not include a base for coupling with the fence. This couldn't be more

clear from the figures. As is clearly recited in paragraph 33 of the Pease reference, "the portable measurement device 10 is slidably mounted and movable along the surface of the working surface of the table." Furthermore, there is no teaching or suggestion in the Pease reference specification to place the portable measurement device in any location other than as is displayed in Figure 6.

As such, the Pease reference fails to teach, disclose or suggest each and every element of the independent claim 24, as required by 35 USC §102. And therefore, independent claim 24 is patentably distinct from the applied Pease reference. With regard to claims 25 – 30, as these claims are dependent upon claim 24, for at least the reasons detailed above, they too are patentably distinct from the applied Pease reference.

In light of the foregoing, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 24-30 under 35 U.S.C. § 102(b).

#### CONCLUSION

It is believed that a full and complete response has been made to the outstanding Office Action, thus, prompt and favorable consideration of this reply is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (410) 716-3689.

No fees or extensions of time are believed necessary for this submission. However, the Commissioner is hereby authorized to grant any needed extension of time and to charge any additional fees that may be required for this Response, or credit any overpayments to Deposit Account No. 02-2548.

Respectfully submitted,

Dated: 2/12/09

By: 

Michael Aronoff,  
Reg. No. 37,770

THE BLACK & DECKER CORPORATION  
701 E. JOPPA ROAD, TW 199  
TOWSON, MD 21286